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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Thomas J. Killinger ) No. CV 11-1270-PHX-GMS (ECV)  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 )  
13 Charles L. Ryan, et al., )  
14 Defendants. )  
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16 Plaintiff Thomas J. Killinger and four other inmates, who are confined in the Arizona  
17 State Prison Complex-Yuma, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C.  
18 § 1983. In an June 27, 2011 Order, the Court the severed the action into individual cases.  
19 See Doc. 11 in CIV 11-934-PHX-GMS (ECV). On July 11, 2011, the Court issued an Order  
20 requiring Plaintiff to pay the \$350.00 civil action filing fee or file a complete Application to  
21 Proceed *In Forma Pauperis*.

22 On August 15, 2011, Plaintiff filed a “Motion for Release of Retention Funds”  
23 (Doc. 5).

24 **I. Motion for Release of Retention Funds and Extension of Time**

25 In his Motion, Plaintiff states that he intends to pay the filing fee in a lump sum, but  
26 that the release of his funds will take more than the 30 days Plaintiff was allotted by the  
27 Court’s July 11th Order. Plaintiff asks that the Court order the Arizona Department of  
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1 Corrections (ADOC) to release funds from Plaintiff's retention account for payment of the  
2 filing fee. Plaintiff also requests that the Court extend the deadline for Plaintiff to pay the  
3 fee by 30 to 60 days.

4 The Court will not issue an Order to ADOC for payment of the filing fee from  
5 Plaintiff's account. However, the Court will grant Plaintiff an additional 30 days from the  
6 filing date of this Order to pay the filing fee or file a complete Application to Proceed *In*  
7 *Forma Pauperis*.

## 8 **II. Warnings**

### 9 **A. Address Changes**

10 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
11 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
12 relief with a notice of change of address. Failure to comply may result in dismissal of this  
13 action.

### 14 **B. Copies**

15 Plaintiff must submit an additional copy of every filing for use by the Court. See  
16 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice  
17 to Plaintiff.

### 18 **C. Possible Dismissal**

19 If Plaintiff fails to timely comply with every provision of this Order, including these  
20 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,  
21 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to  
22 comply with any order of the Court).

## 23 **IT IS ORDERED:**

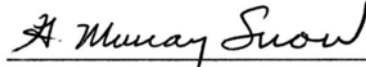
24 (1) Plaintiff's Motion for Release of Retention Funds (Doc. 5) is **denied in part**  
25 with respect to Plaintiff's request for a Court Order. The Motion is **granted in part** with  
26 respect to Plaintiff's request for additional time within which to pay the filing fee.

27 (2) Within 30 days of the date this Order is filed, Plaintiff must either pay the  
28 \$350.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis* and a

1 certified six-month trust account statement from the ADOC's Central Office.

2 (3) If Plaintiff fails to either pay the \$350.00 filing fee or file a completed  
3 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a  
4 judgment of dismissal of this action without prejudice and without further notice to Plaintiff.

5 DATED this 2nd day of September, 2011.

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9 G. Murray Snow  
10 United States District Judge  
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